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February 6, 2012

## VIA E-MAIL

Randall D. LaTour Kent A. Britt David F. Hine Vorys, Sater Seymour and Pease, LLP 221 East Fourth Street Suite 2000, Atrium Two Cincinnati, OH 45202

RE: In re: Eastern Livestock Co., LLC

United States Bankruptcy Court; Southern District of Indiana

Case No. 10-93904-BHL

## Dear Gentlemen:

I was disappointed to receive Fifth Third's Motion to Limit Discovery or Alternatively for a Protective Order (the "Discovery Motion"). I had made calls and left messages for Kent and David last week to discuss the depositions of Fifth Third employees. However, for whatever reason, no one returned my calls to discuss this issue. Moreover, there was no attempt to comply with the Southern District of Indiana's Local Rule 37.1 that requires a discovery conference before filing a motion relating to depositions. Had any of you returned my calls, Fifth Third would have known filing the Discovery Motion was unnecessary. Let me be clear, the Trustee agrees to notice the depositions in the bankruptcy case and each adversary proceeding. The Trustee therefore, requests you to withdraw the Discovery Motion so that he does not have to waste resources responding to it.

Please be advised that we will be noticing the depositions of Darren Steinmann, Lori Hart, Anne Kelly, Timothy Spurlock, Shannon Hughes and Amber Whitehouse tomorrow on the dates Kent previously provided to me. Kent was to confirm them in writing but to date I have received no such correspondence. Likewise, we will notice on Wednesday the depositions of the other Fifth Third employees for which dates were not yet provided unless provided. Unless you advise us before Wednesday concerning different availability of these witnesses, we intend to depose them according to the following schedule:

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**DEPONENT** 

Darren Steinmann

Lori Hart

Anne Kelly

David Fuller

Sean Kelly

Timothy Spurlock

Shannon Hughes

Amber Whitehouse

Devon Morse

Patty Voss

Sara Chapman

**DEPOSITION DATE** 

February 14, 2012

February 14 or 15, 2012

February 14 or 15, 2012

February 16, 2012

February 17, 2012

February 21 or 22, 2012

February 21 or 22, 2012

February 22, 2012

February 23 or 24, 2012

February 24, 2012

February 24 or 25, 2012

very truly yours,

Sean T. White

STW/vkw

cc:

James A. Knauer John David Hoover Daniel J. Donnellon Laura Day DelCotto John M. Rogers

Claude R. Bowles, Jr.

John Ames

Ivana B. Shallcross W. Scott Newbern

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